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# REMARKS

Claims 28-36, 47, 51-59, 61, 69, and 125-137 are pending in the subject application. In view of the following remarks, applicant respectfully requests reconsideration of the rejections and objections set forth in the outstanding office action.

The rejection of claims 61, 69, and 135-137 for double patenting over claims 23-25 of U.S. Patent No. 6,762,304 to Davies ("Davies '304") is respectfully traversed. The outstanding office action is ambiguous as to whether this double patenting rejection is statutory or non-statutory. The first sentence of numbered paragraph 2 of the outstanding office action indicates that the rejection is being made under 35 U.S.C. § 101. Two sentences later (i.e., in the third sentence of numbered paragraph 2), it is stated that "[t]he nonstatutory double patenting rejection is based on a judicially created doctrine . . . ". In numbered paragraph 4, the outstanding office action suggests that a timely-filed terminal disclaimer can be used to overcome this nonstatutory double patenting rejection.

Although applicant believes that grounds exist for arguing that presently pending claims 61, 69, and 135-137 are patentably distinct from claims 23-25 of Davies '304, to expedite prosecution of the present application, applicant has filed herewith a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321. Accordingly, for at least this reason, applicant submits that the rejection of claims 61, 69, and

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135-137 for double patenting over Davies '304 should be reconsidered and withdrawn.

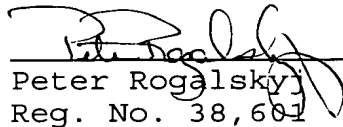
The rejection of claims 28-29 and 47 under the judicially-created doctrine of obviousness-type double patenting over claims 30-34 of U.S. Patent No. 6,410,746 to Davies ("Davies '746") is respectfully traversed. Although applicant believes that grounds exist for arguing that presently pending claims 28-29 and 47 are patentably distinct from claims 30-34 of Davies '746, to expedite prosecution of the present application, applicant has filed herewith a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321. Accordingly, for at least this reason, applicant submits that the rejection of claims 28-29 and 47 under the judicially created doctrine of obviousness-type double patenting over Davies '746 should be reconsidered and withdrawn.

The objection to claims 30-36, 51-59, and 125-134 as being dependent upon a rejected base claim is respectfully traversed. Each of claims 30-36, 51-59, and 125-134 depends (directly or indirectly) from claim 28. The rejection of claim 28 under the judicially-created doctrine of obviousness-type double patenting (the sole rejection of claim 28 in the outstanding office action) has been obviated, as discussed above, by applicant's filing of a terminal disclaimer herewith. Accordingly, claim 28 should be patentable, and the objection to claims 30-36, 51-59, and 125-134, as being dependent on a rejected base claim, should be withdrawn.

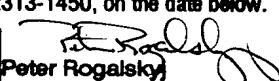
In view of the foregoing, it is submitted that this case is in condition for allowance, and such allowance is earnestly solicited. Should any issues remain which can usefully be discussed by telephone, the Examiner is invited to

contact applicant's undersigned attorney at the number provided below.

Dated: December 27, 2005

  
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